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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,730	07/07/2003	Robert A. Nelson	9680.231US01	7535
23552	7590	07/27/2005		EXAMINER
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			HUNNINGS, TRAVIS R	
			ART UNIT	PAPER NUMBER
			2632	

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/614,730	NELSON, ROBERT A.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Travis R. Hunnings	2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 13 May 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-4 and 6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4 and 6 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 13 May 2005 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 recites the limitations "said key," "said ignition" and "said engine" in lines 6 and 8 respectively. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Hayashi et al. (Hayashi; US Patent 5,912,512).

Regarding claim 1, Hayashi discloses *Engine Start Control Apparatus* that has the following claimed subject matters:

The claimed OEM starter for starting a vehicle is met by the ignition control device (44) as seen in figure 1;

The claimed OEM security system in communication with said starter is met by the immobilizer ECU (column 3, lines 53-57);

The claimed by-pass kit for by-passing said OEM security system upon receipt of a data signal and enabling remote car starting of said vehicle without placing said key in said ignition is met by the engine start controlling means determining if a remote start should occur (column 1, lines 51-67 and column 2, lines 1-3);

The claimed remote car starter device in communication with said by-pass kit for sending a data signal to said by-pass kit to start said engine is met by the remote engine starting device sending a key code to be checked to allow the engine to be started (column 5, lines 64-67 and column 6, lines 1-9);

The claimed remote car starter transmitter in wireless communication with said remote car starter device is met by the remote switch (52) being in wireless communication with the device as seen in figure 1;

The claimed communication between said by-pass unit and said remote car starter device is effected through a code-hopping mechanism; through encryption or through a unique code matching said by-pass unit to said remote car starter device is met by the key code matching the remote car starter device with that of the code stored in the immobilizer ECU (column 5, lines 64-67 and column 6, lines 1-9). The key code being matched meets the claimed embodiment of either a code-hopping mechanism, using encryption or using a unique code match.

Regarding claim 3, the claimed remote car starter is in communication with said by-pass kit through a cable is met by the device being organized as can be seen in figure 1 wherein the electrical components (excluding the remote switch (52)) are all connected through wires/cables.

Regarding claim 6, the claimed matching said by-pass unit to said remote starter comprises teaching said remote starter said unique identifier is met by storing the key code that is similar to the code build into the ignition key into the remote starter device in advance (column 5, lines 64-67 and column 6, lines 1-9).

***Claim Rejections - 35 USC § 103***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi.

Regarding claim 4, the claimed by-pass kit including a transponder on board is met by the remote transponder (72). The examiner takes official notice that it is well known in the art to encase electronic components in metal casing when used in vehicles to protect the sensitive electronics from potential damage from driving and heat.

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7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi in view of Davidson et al. (Davidson; US Patent 6,265,788).

Regarding claim 2, Hayashi discloses all of the claimed limitations except for the claimed remote car starter being in wireless communication with said by-pass kit. Davidson discloses *Wireless Induction Loop Control System* that teaches connecting a plurality of controlled electronic devices in an automobile through a wireless connection (col2 22-34 and 56-62). It would be beneficial to use the wireless system taught by Davidson in the system of Hayashi to reduce the number of wiring harnesses and wires, which would result in cost savings. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device disclosed by Hayashi according to the teachings of Davidson to modify the system to be connected through a wireless connection.

#### ***Response to Arguments***

8. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Faulkner, *Resistance Loop Equipment Security System*, US Patent 4,760,382;  
Issa et al. *System Having Advanced Embedded Code Hopping Encryption And Learn Mode Therefore*, US Patent 5,952,933;  
Liu, *Keyless Motor Vehicle Starting System With Anti-Theft Feature*, US Patent 5,689,142;  
Schweiger, *Anti-Theft System For A Motor Vehicle*, US Patent 5,818,330.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Travis R. Hunnings whose telephone number is (571) 272-3118. The examiner can normally be reached on 8:00 am - 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TRH

  
DANIEL WU  
SUPERVISORY PATENT EXAMINER  
7/25/05